

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

	X
FERCO ENTERPRISES, INC., JAW	:
ENTERPRISES, LLC, and JOHN A.	:
WILLIAMS,	:
Plaintiffs /Counterclaim	:
Defendants	Civil Action No.: 05 CV 2980-ODE
	:
v.	:
	:
TAYLOR RECYCLING FACILITY,	:
LLC, TAYLOR BIOMASS ENERGY,	:
LLC, TAYLOR HOLDING GROUP,	:
LTD., JAMES W. TAYLOR, JR., and	:
MARK PAISLEY,	:
Defendants / Counterclaimants.	:
	X
TAYLOR RECYCLING FACILITY,	:
LLC, JAMES W. TAYLOR, JR. and	:
MARK PAISLEY,	:
Counterclaim Plaintiffs,	:
	:
v.	:
	:
FERCO ENTERPRISES, INC., JAW	:
ENTERPRISES, LLC, and JOHN A.	:
WILLIAMS,	:
Counterclaim Defendants.	:
	X

DEFENDANTS' DESIGNATION OF EXPERT WITNESS

Pursuant to the Consent Order Regarding Discovery and Dispositive Motions Deadline entered by this Court on November 28, 2006, Defendants hereby designate Michael J. Michalowicz as a rebuttal expert witness. Mr. Michalowicz

will testify concerning any matters raised by Plaintiffs/Counterclaim Defendants concerning the forensic computer analysis of the hard drives of Mark Paisley and Ralph Corley, including in particular matters raised in the Expert Reports of Bruce Smith, dated November 10, 2006, and November 15, 2006, and in Mr. Smith's deposition, dated November 28, 2006, as well as any matters raised by Plaintiffs or Plaintiffs' witnesses subsequent to today's date concerning forensic computer analysis. The curriculum vitae of Mr. Michalowicz is attached hereto as Exhibit A.

November 30, 2006

By: s/ Kenneth Lee, Esq.

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EXHIBIT A



Summary

Michael J. Michalowicz

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Service Line

Business Risk - Financial Investigations and
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Area of Practice

Forensic Technology

Education

Bachelor of Science, Finance
 Bachelor of Science, Management Science
 Virginia Tech

Professional Memberships

- Member, Infragard
- Member, Computer Security Institute

Relevant Certifications

- MCP, Microsoft Certified Professional
- CNA, Certified Novell Administrator
- Network +, CompTIA Network Infrastructure & Security Certification

Background

Mike is an Associate Director in the Forensic Technology practice. He is responsible for overseeing the operations of all data collection, analysis and evidence delivery based out of Protiviti's Whitehouse Station, NJ office. Mike also oversees the management of major data forensic projects.

Mike is a former Managing Partner of the data forensic company PG Lewis & Associates, LLC (PGLA), which was acquired by Protiviti in 2006. He has over 12 years of computer security and infrastructure experience and served six years as President of Olmec Systems, Inc. (www.olmec.com), a technology integration firm specializing in computer networks for financial institutions.

Mike has been qualified as a data forensic expert at the federal level, is a published author in the field of data forensics, and has managed over 100 cases.

Appointments, Certifications, Testimony

- Fox Industries Inc. v Leonid Gurovich, Dkt. CV-03-5166 (E.D.N.Y.). Court appointed data forensic expert on Order to Show Cause
- Cellco Partnership and Verizon Wireless v. Direct Wholesale Inc., Civil Action No. 3:04-cv-01537-SRC-TJB (D.N.J.). Preparation and presentation of expert forensic report.
- Aventis Pasteur Inc. v. Paul Shreve, Case No. Equity-2313, Court of Common Pleas (Monroe Co. Pa. 2004). Preparation and presentation of expert forensic report.
- Hughes v. Cingular Wireless, LLC, Dkt. No. MID-L-007857-04 (Middlesex County, NJ). Qualified as expert and presented testimony on electronic discovery motion.
- Quinby v. WestLB AG, Civil Action No. 1:04-cv-07460-WHP-HBP (SDNY). Presentation of expert data forensic analysis.
- United States of America v. Akhil Bansal, et al., Case No. 2:05-cr-00193-PD (E.D.Pa). Qualified as expert for federal criminal matter and presented jury testimony on computer forensic process and digital evidence integrity.
- Hain Celestial Group, Inc. et al v. Cooper et al. Civil Action No. 2:06-cv-02836-JFB-WDW (E.D.N.Y.). Deposition testimony on analysis process and responsive findings.